

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 1092 of 2006

***Secretary, Nayagarh District Central
Cooperative Bank Ltd.***

Petitioner

Mr. K.P. Nanda, Advocate

-versus-

Sri Lokanath Panda

Opposite Party

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K. PATTANAİK**

Order No.

**ORDER
08.03.2022**

07. 1. The challenge in the present petition is to an Award dated 1st September, 2005 passed by the Labour Court, Bhubaneswar in I.D. Case No.51 of 1998. The dispute referred to the Labour Court for adjudication was as follows:

“Whether the termination of employment of Sri Lokanath Panda Cadre Secretary with effect from 19.06.1982 by the management of the Nayagarh Central Cooperative Bank Ltd., Nayagarh is legal and/or justified ? If not to what relief Sri Panda is entitled to ?”

2. The case of the Opposite Party (Workman) was that he was initially appointed as Secretary of the Fategarh Service Co-operative Society with effect from 23rd January, 1969 under the Nayagarh Central Co-operative Bank Ltd. and later he was confirmed in that post with effect from 1st December, 1971.

Further he was made Grade-I Cadre Secretary by an order dated 12th August, 1974. On 15th February, 1982 he was issued a notice asking to hand over charge to one Sri Laxmidhar Sahoo. Subsequently, a proceeding was initiated against the Petitioner alleging misappropriation of the Society's funds. A criminal case was also initiated. However, the Petitioner stood acquitted of all charges. The criminal appeal filed by the Management against the order of acquittal was dismissed by this Court.

3. The case of the workman was that without conducting any inquiry, the management terminated his services with effect from 19th June, 1982. This gave rise to an industrial dispute which was then referred to the Labour Court.

4. In para 5 of the impugned Award, it is stated that the Management entered appearance but filed no written statement. It failed to take any effective steps thereafter. As a result, the Management was set ex parte. The ex parte hearing commenced on 31st March, 2001. The workman's evidence was noted and discussed in the impugned Award and it was concluded that there was violation of the provisions of Section 25-F of the ID Act. The operative portion of the impugned Award is that the workman concerned was entitled to reinstatement with continuity of service with a lumpsum compensation of Rs.7000/- towards back wages.

5. Having heard learned counsel for the Petitioner, the Court is not satisfied that any reasonable explanation has been given by the Petitioner for not participating in the proceedings before the Labour Court. The order setting it ex parte, after it had entered

appearance and failed to file any written statement, or continue to appear, was not attempted to be challenged by it or got set aside by filing an application for that purpose.

6. The submission of learned counsel for the Petitioner is that the dispute in question was to be adjudicated under the Cooperative Societies Act and not under the ID Act. This still does not explain why the Petitioner did not participate in the Labour Court and make its submission. The Court is, therefore, not satisfied that there was justification for the present Petitioner not appearing in the Labour Court and participated in the proceedings.

7. The relief granted to the workman was a natural corollary of his having proved that the termination of his services was in violation of Section 25-F of the ID Act. The amount awarded as compensation also was not substantial.

8. In the circumstances, the Court sees no reasons to interfere with the impugned Award. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge